

## **Human Rights Institutions in China**

### *Views of United Nations Association of China*

#### I. Existing Institutions and Their Operations

1. In China, the Government is the central organ responsible for the protection of human rights of its citizens. The legislative, executive and judicial branches and civil society organizations (CSOs) all play a part in the process.
  - A. The National People's Congress and its standing committee, China's national legislature, is the top authority in safeguarding human rights by way of enacting laws for the protection of people's right.
  - B. The judiciary is tasked with promotion and protection of human rights through its jurisdiction. At present, provisions of international covenants on human rights are not applied directly in court decisions. But international human rights standards are incorporated into China's domestic laws.
  - C. Human rights has become an important value and is included in the training of civil servants as a compulsory curricula. Specific committees are established at various levels of governments to address human rights concerns. The National Working Committee on Children and Women under the State Council, the organ responsible for protecting the rights of women and children, has expanded its group members from 19 to 33, with 28 government ministries and five CSOs. A Bureau of Migrant Workers is set up under the Ministry of Human Resources and Social Security to respond to concerns expressed by migrant workers and to protect their rights.
  - D. Correspondence and visit system is rooted in China's age old civilization. It is an important channel for citizens to lodge complaints and claim their rights in case of abuses. The Communist Party and government at various levels have all established Correspondence and Visit Offices, responding to petitions by citizens through e-mail, fax, telephone call or visit. These offices are mandated to investigate and provide solutions to petitions. Recently, new channels of receiving complaints have been opened, such as government hotlines and special mailboxes.
  - E. Chinese CSOs cover a broad sector of social groups, such as women, youth, disabled, etc. They supplement and monitor government functions in safeguarding human rights. CSOs, including United Nations Association of China, take an active part in drafting reports on China's implementation of international covenants on human rights, urging the government to implement recommendations by treaty bodies. In the wake of Sichuan earthquake in May 2008, CSOs both inside and outside the country are actively involved in disaster relief efforts, providing

medical treatment, psychological counsel, etc, demonstrating their unique advantage and dynamism.

## II. Problems and Suggestions

1. In spite of the progress made, human rights institutions in China need further improvement and development.
  - A. In the absence of an all-encompassing institution at national-level, promotion and protection of human rights largely depend on separate sectional agencies. The lack of centralizing power and authority has sometimes led to inadequacy in providing unified cross-sectional policy guidance and equally effective means in human rights protection. It is recommended to establish a national institution in line with the Vienna Declaration and Program of Action and “Paris Principles”. It is gratifying to note, that the Government pronouncement of “putting people first” as a major concept of good Governance has laid down the conceptual groundwork for a centralized institution for human rights protection. It is our hope that condition would be prepared for the eventual establishment of such an institution. In the run-up to this goal, the Government should intensify inter-agency coordination and strengthen authorities and responsibilities of various institutions.
  - B. Correspondence and Visit Offices should be equipped with enforcement power in order to carry out their functions more effectively.
  - C. CSOs need to strengthen themselves to enhance their role in protecting human rights. Though abundant in numbers, many CSOs in China are limited in size, with insufficient experience and financial resources. In this respect, international exchanges could play a useful role. In September 2007, Office of the UN High Commissioner for Human Rights sponsored a series of training courses. A number of Chinese CSOs took part in and benefited from the training. It is recommended that similar courses be organized on a regular and more frequent basis.